

STATE OF HAWAII  
HAWAII ADMINISTRATIVE RULES  
TITLE 13  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
SUBTITLE 11  
OCEAN RECREATION AND COASTAL AREAS  
PART 2  
BOATING

Chapter 240	General Provisions
Chapter 241	Numbering of Vessels
Chapter 242	Accidents, Reports, Fines, Enforcement and Records
Chapter 243	Vessel Equipment Requirements
Chapter 244	Rules of the Road; Local and Special Rules
Chapter 245	Waterway Marking System
Chapter 246	(Reserved)
Chapter 247	(Reserved)
Chapter 248	(Reserved)
Chapter 249	(Reserved)

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 240

### GENERAL PROVISIONS

#### Historical note

§13-240-1	Purpose and scope
§13-240-2	Interpretation
§13-240-3	Severability
§13-240-4	(Reserved)
§13-240-5	Definitions

### CHAPTER 241

### NUMBERING OF VESSELS

#### Historical note

§13-241-1		Operation of certain unnumbered vessels prohibited
§13-241-2		Exemption from numbering provisions of this chapter
§13-241-3	Numbering system	
§13-241-4	Number display	
§13-241-5		Application for number; contents; requirements
§13-241-6		Authority to grant or refuse applications
§13-241-7	Certificate of number, contents	
§13-241-8		Certificate of number to be carried aboard vessel; description
§13-241-9		Cancellation of certificate and voiding of number
§13-241-10		Period of validity and renewal of certificate of number
§13-241-11		Owner required to report change of address, ownership, loss, destruction or abandonment of vessel
§13-241-12		New owner must secure new certificate of number
§13-241-13	Registration stickers (decals)	
§13-241-14		Stolen or mutilated certificates or registration stickers (decals)
§13-241-15		Falsified, unauthorized, removed identification number
§13-241-16		Improper use of certificate of number
§13-241-17		Seizure of documents and stickers (decals)

§13-241-18	Numbering of manufacturer's and dealer's vessels
§13-241-19	Livery boat number
§13-241-20	Documented vessel not to be numbered
§13-241-21	Issue of certificate of number by department agents
§13-241-22	Authorization of vessel registration agents
§13-241-23	Public records

i CHAPTER 241, Cont'd:

§13-241-24	Transmittal of statistical information
§13-241-25	Fees and charges
§13-241-26	Negotiable instruments; service charge

CHAPTER 242	ACCIDENTS, REPORTS, FINES, ENFORCEMENT AND RECORDS
-------------	---

	Historical note
§13-242-1	Duty to render aid and give information
§13-242-2	Duty upon striking unattended vessel or other property
§13-242-3	Immediate notice of accident; when required
§13-242-4	Written boating accident report; when required
§13-242-5	Accident reports not public records
§13-242-6	False reports
§13-242-7	Boating accident reports; contents
§13-242-8	Police reports of boating accidents
§13-242-9	Transmittal of statistical information
§13-242-10	Reporting nonresident boating accidents
§13-242-11	Investigation of accidents by department
§13-242-12	Boating accident records; held five years
§13-242-13	Fines and penalties
§13-242-14	Enforcement personnel
§13-242-15	Stopping vessels for inspection
§13-242-16	Termination of unsafe use
§13-242-17	Powers of arrest
§13-242-18	Citation of violation
§13-242-19	Taking legal custody of the vessel or property
§13-242-20	Attorney general
§13-242-21	Records of conviction
§13-242-22	Records furnished to courts
§13-242-23	Reporting nonresident convictions

CHAPTER 243

VESSEL EQUIPMENT  
REQUIREMENTS

Historical note

§13-243-1	Equipment required by vessels on state waters
§13-243-2	Marine sanitation devices
§13-243-3	Liquified petroleum gas
§13-243-4	Mufflers
§13-243-5	Recognition of marine examination decals

ii

CHAPTER 244

RULES OF THE ROAD; LOCAL  
AND SPECIAL RULES

Historical note

§13-244-1	Standard: due care
§13-244-2	Rules of the road
§13-244-3	General prudential rule
§13-244-4	Pamphlet - Navigation Rules
§13-244-5	The rule of good seamanship
§13-244-6	Distress signals
§13-244-7	Careless operation
§13-244-8	Reckless operation
§13-244-9	Speed restrictions
§13-244-10	Persons under the influence of intoxicating liquor
§13-244-11	Persons under the influence of drugs
§13-244-12	Incapacity of operator
§13-244-13	Interference with navigation
§13-244-14	Overloading
§13-244-15	Overpowering
§13-244-16	Restricted areas
§13-244-17	Riding on bow or gunwales prohibited
§13-244-18	Waterskiing; dangerous practices prohibited; hand signals
§13-244-19	Authorization required to hold regatta, marine parade, boat race or exhibition
§13-244-20	Stolen or lost vessels
§13-244-21	Reporting vessels found
§13-244-22	Interstate boat compacts; reciprocal agreements and courtesy
§13-244-23	Manufacturer's or builder's serial number required
§13-244-24	Report required by boat builders and boat manufacturers

§13-244-25	Report required by boat dealers
§13-244-26	Boat liveries
§13-244-27	Department not to approve products of manufacturers
§13-244-28	Waikiki ocean waters restricted areas
§13-244-29	Makapuu ocean waters
§13-244-30	Kealakekua Bay ocean waters
§13-244-31	Kailua Beach ocean waters
§13-244-32	Ahihi-Kinau ocean waters
§13-244-33	Pokai Bay ocean waters
§13-244-34	Ala Moana Beach Park ocean waters
§13-244-35	Manele-Hulopoe marine life conservation district
§13-244-36	Kaanapali ocean waters, general restrictions

### iii CHAPTER 244, Cont'd:

§13-244-37	Zone A, Zone B, Ingress/Egress Zones, and Ingress/Egress Corridors
§13-244-38	Pipelines in Keehi Lagoon
§13-244-39	Maunalua Bay ocean waters
§13-244-40	Vessel operation in proximity of humpback whales

## CHAPTER 245

## WATERWAY MARKING SYSTEM

	Historical note
§13-245-1	Scope
§13-245-2	Definitions
§13-245-3	Waterway markers
§13-245-4	Authority to place markers
§13-245-5	Maintenance of waterway markers
§13-245-6	Display of waterway markers
§13-245-7	Specifications for waterway markers
§13-245-8	Other waterway marking devices
§13-245-9	Divers flag
§13-245-10	Mooring vessels to buoys or beacons prohibited
§13-245-11	Destruction or defacing of markers prohibited



# HAWAII ADMINISTRATIVE RULES

## BOATING

### CHAPTER 240

#### GENERAL PROVISIONS

##### Historical note

§13-240-1	Purpose and scope
§13-240-2	Interpretation
§13-240-3	Severability
§13-240-4	Reserved
§13-240-5	Definitions

Historical note. This chapter is based on the state boating rules, general provision, effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the jurisdiction of the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-240-1 Purpose and scope. This part establishes rules governing vessels and their use in the waters of the State to promote and attain (1) the full use and enjoyment of the waters of the State; (2) the safety of persons and the protection of property as related to the use of the waters; (3) a reasonable uniformity of laws and rules regarding the use of the waters; and (4) conformity with, and implementation of, federal laws and requirements. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-21, 200-22)

§13-240-2 Interpretation. If any section of these rules is inconsistent with any laws of the United States or any rule, or standard established pursuant thereto, then the latter shall govern. The provisions of these rules shall be interpreted and construed in the manner best able

§13-240-2

to effectuate the general purpose of attaining uniformity in the laws of the State and with the laws of other states and the United States. Nothing contained in these rules shall be construed to limit the powers of any department or agency of the State. These rules shall be construed liberally and consistent with the purpose stated in section 13-240-1. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-21, 200-22, 200-24)

§13-240-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-240-4 (Reserved)

§13-240-5 Definitions. As used in this part:

"Approved" means that a fitting, appliance, apparatus, or item of equipment to be fitted or carried in a vessel, or by any particular arrangement, is sanctioned by the commandant of the Coast Guard, unless otherwise stated.

"Barge" means a vessel with no motive power of its own.

"Boat dealer" means a person who is engaged in the business of selling, offering for sale, buying or taking in vessels for the purpose of reselling them.

"Boat livery" means a person who is engaged in the business of renting, leasing, or chartering vessels.

"Boat manufacturer" means a person engaged in the business of building or assembling vessels.

"Boating accident":

- (1) Means collision, accident, or other casualty involving:
  - (A) A person's death;
  - (B) The injury to a person requiring medical treatment beyond first aid;
  - (C) Damage to a vessel amounting to \$200 or more;
  - (D) Complete loss of a vessel; or

- (E) The disappearance of a person from a vessel under circumstances indicating death or injury to that person.
- (2) Includes damage to a vessel or its equipment, loss of life, or injury to any person or object:
  - (A) On board a vessel;
  - (B) Caused by a moving vessel's wake, wash, or waves, or by a vessel's capsizing, or collision with another vessel or object;
  - (C) Caused by flooding, fire, or explosion; or
  - (D) Caused when a person falls overboard.

"Certificate" means certificate of numbers as explained in chapter 13-241.

"Chairperson" means the chairperson of the department of land and natural resources or the chairpersons's duly authorized representatives or subordinates.

"Coast guard" means the United States Coast Guard or any of its successor agencies.

"Commercial fishing motorboat" means a motorboat used for taking fish for profit or gain or as a means of livelihood.

"Commercial motorboat" means any power-driven vessel used for hire, profit, or gain.

"Department" means the department of land and natural resources of the State of Hawaii.

"Documented vessel" means any vessel which has a valid marine document issued by the Coast Guard, in accordance with the Code of Federal Regulations, Subchapter G, Part 67, Documentation of Vessels.

"Federal laws and requirements" mean all statutes, regulations, and other laws of the United States, which may be applicable to this chapter.

"Foreign built vessel" means any vessel whose hull was constructed in a country other than the United States.

"Forward half of the vessel" means any portion of the vessel in front of a point equidistant from the stem and stern of the vessel.

"High seas" mean the following:

- (1) Those waters outside of Mamala Bay whose outer boundary is represented by a straight line drawn from Barber's Point Light to Diamond Head Light; and
- (2) At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries, for which specific lines are not described in this section, the waters outside of a line approximately parallel with the general trend of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids.

§13-240-5

"Humpback whale cow/calf area" are shown on Exhibit "A" dated November 23, 1988, located at the end of this chapter and described as follows:

- (1) Adjoining the island of Lanai. All waters within two miles of the shoreline along the north and east coast between lines extending perpendicular to the shoreline from Kaena Point to Kamaiki Point.
- (2) Adjoining the island of Maui. All waters inshore of a straight line drawn between Hekili Point and Puu Olai.

"Inland waters" mean the waters inshore of lines described in the definition of "high seas" in this section.

"Kaanapali ocean waters" mean the area confined by the boundaries shown and defined in Exhibit G, July 9, 1984, located at the end of this chapter.

"Length", when applied to vessels covered by this chapter, means the measurement of a vessel from end to end over the deck. It is a straight line measurement of the overall length from the foremost part of the vessel measured parallel to the centerline. Bowsprits, bumpkins, rudders, motor brackets, and similar fittings or attachments or sheer are not to be included in the measurement. "Sheer" is the longitudinal upward curve of the deck, gunwales, and lines of a vessel, when viewed from the side.

In case of a vessel of an open type or with a cockpit, the measurement is taken between the foremost and aftermost extremities of the hull exclusive of sheer.

In vessels having more than one deck, it is the length measured from the foremost part of the bow to the aftermost part at the stern exclusive of sheer.

"Lienholder" means a person holding a security interest in a vessel.

"Lifeboat" means a boat carried aboard a vessel and used solely for lifesaving purposes, but not including dinghies, tenders, speedboats, or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

"Livery boat" means a vessel which is rented, leased, or chartered by a person who is engaged in the business of renting, leasing, or chartering vessels.

"Machinery" means all internal combustion engines located within the vessel and all motor or mechanical devices capable of propelling vessels.

"Motorboat" means any vessel sixty-five feet in length or less which is equipped with propulsion machinery including steam and includes wet bikes, motorized surfboards and any

other vessel propelled by a motor engaged in towing discs, boards, parasails or any other device which may be towed. This term includes a vessel temporarily or permanently equipped with a motor.

240-4

§13-240-5

"Motor vessel" means any vessel more than sixty-five feet in length, which is propelled by machinery other than steam.

"Number", "numbering", and "certificate of number" are the equivalents of the terms "register", "registration", and "certificate of registration" respectively.

"Operate" means to navigate or otherwise use a vessel on or in the waters of the State.

"Owner" means a person, other than a lienholder, having the property in or title to a vessel. This term includes a person entitled to the use and possession of a vessel subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"Passenger" means every person other than the master and members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage, a child under one year of age is not counted as a passenger.

"Person" means an individual, partnership, firm, corporation, association, or other legal entity including the servant, employee, agent, or representative of any of the foregoing.

"Power-driven vessel" means any vessel propelled by machinery.

"Principally used" means a measurement of the time when a vessel is on the waters of the United States, a state, territory, province, or country and includes the time when the vessel is not in motion, as for instance when the vessel is moored or at anchor, as well as the time when the vessel is being navigated.

"Registration stickers" mean a pair of stickers, plates, tabs, or other devices issued by the department with certificates of number and renewals thereof to be affixed to the vessel to indicate that the vessel's certificate of number is current and valid.

"Rules of the road" mean the federal statutory and regulatory rules governing navigation of vessels. These rules are published by the Coast Guard in pamphlet form and known as Navigation Rules - International - Inland COMDTINST M16672.2B.

"Sailing vessel" means any vessel propelled by sail only. Every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a

power-driven vessel.

"Security interest" means an interest in a vessel reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended for security. A security interest is "perfected" when it is valid against third parties generally,

240-5

§13-240-5

subject only to specific statutory exceptions contained in article 9, of chapter 490 and section 490:1-201, Hawaii Revised Statutes.

"Slow-no-wake" means as slow as possible without losing steerage way and so as to make the least possible wake. This would almost always mean speeds of less than five miles an hour.

"State" means the State of Hawaii.

"Underway" means the vessel is not at anchor, aground, or made fast to shore.

"Undocumented vessel" means any vessel which does not have a valid marine document issued by the Coast Guard, in accordance with the Code of Federal Regulations, Subchapter G, Part 67, Documentation of Vessels.

"Vessel" means all description of watercraft used or capable of being used as a means of transportation on or in the water.

"Vessel carrying passengers for hire" means any vessel which carries any person or persons for a valuable consideration, whether that consideration goes directly or indirectly to the owner, charterer, operator, agent, or any person who has a lien on the vessel.

"Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls, or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

"Waters of the State" mean any waters within the jurisdiction of the State, the marginal seas adjacent to the State, and the high seas when navigated as part of a journey or ride to or from the shores of the State. [Eff 2/24/94 ]  
(Auth: HRS §§200-21, 200-22, 200-23, 200-24) (Imp: HRS §§200-21, 200-22, 200-23, 200-24)

240-6

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 241                      NUMBERING OF VESSELS

#### Historical note

- |            |                                 |  |
|------------|---------------------------------|--|
| §13-241-1  |                                 | Operation of certain<br>unnumbered vessels<br>prohibited   |
| §13-241-2  |                                 | Exemption from numbering<br>provisions of this<br>chapter  |
| §13-241-3  | Numbering system                |  |
| §13-241-4  | Number display                  |  |
| §13-241-5  |                                 | Application for number;<br>contents; requirements  |
| §13-241-6  |                                 | Authority to grant or<br>refuse applications   |
| §13-241-7  | Certificate of number, contents |  |
| §13-241-8  |                                 | Certificate of number to<br>be carried aboard<br>vessel; description                                       |
| §13-241-9  |                                 | Cancellation of<br>certificate and voiding<br>of number  |
| §13-241-10 |                                 | Period of validity and<br>renewal of certificate of<br>number  |
| §13-241-11 |                                 | Owner required to report<br>change of address, ownership,<br>loss, destruction or<br>abandonment of vessel |
| §13-241-12 |                                 | New owner must secure new<br>certificate of number   |
| §13-241-13 | Registration stickers (decals)  |  |
| §13-241-14 |                                 | Stolen or mutilated<br>certificates or registration<br>stickers (decals)                                   |
| §13-241-15 |                                 | Falsified, unauthorized, or<br>removed identification number   |
| §13-241-16 |                                 | Improper use of certificate<br>of number   |
| §13-241-17 |                                 | Seizure of documents and<br>stickers (decals)  |
| §13-241-18 |                                 | Numbering of manufacturer's<br>and dealer's vessels  |
| §13-241-19 |                                 | Livery boat number   |
| §13-241-20 |                                 | Documented vessel not to be<br>numbered  |

§13-241-21	Issue of certificate of number by department agents
§13-241-22	Authorization of vessel registration agents
§13-241-23	Public records

## 241-1

§13-241-1

§13-241-24	Transmittal of statistical information
§13-241-25	Fees and charges
§13-241-26	Negotiable instruments; service charge

Historical note. This chapter is based on the numbering of vessels effective November 5, 1981, and as amended thereafter by the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-241-1 Operation of certain unnumbered vessels prohibited. Every undocumented vessel on the waters of the State, except those expressly exempted as provided in section 13-241-2 shall be numbered. No person shall place, operate or give permission for the placement or operation of any undocumented vessel on the waters of the State unless the vessel is numbered in accordance with this chapter, except as provided for in section 13-241-2.  
[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: §§200-24, 200-31)

§13-241-2 Exemption from numbering provisions of this chapter. (a) A vessel shall not be required to be numbered under this chapter if it is any of the following:

- (1) A vessel which has a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.
- (2) A vessel already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another jurisdiction; provided that the vessel shall not have remained within this State for a period in excess of sixty days.

- (3) A vessel from a country other than the United States, provided that the vessel has not been in the waters of the State for a period in excess of sixty days.
- (4) A vessel whose owner is the United States, used exclusively in the public service and is clearly identifiable as such a vessel.
- (5) A vessel's lifeboat if the boat is used solely for lifesaving purposes. This exemption does not include craft carried aboard a vessel and used for other than lifesaving purposes.
- (6) A vessel belonging to a class of boats which has been exempted from numbering by the department after it has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the boat in question belongs, after the department has further found that the vessel would also be exempt from numbering if it were subject to federal law.
- (7) A vessel manually propelled.
- (8) A vessel eight feet or less in length propelled solely by sail.
- (9) A motorboat used exclusively for racing.
- (10) A vessel operating under a valid temporary certificate of number.

(b) Nothing in this section shall prohibit the numbering of any undocumented vessel hereunder upon request by the owner even though such vessel is exempt from the numbering requirements of this chapter. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-3 Numbering system. (a) In the event that an agency of the United States shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department shall be in conformity therewith.

(b) The vessel identification numbers issued pursuant to

these rules shall consist of three parts. The first part shall consist of the capital letters HA identifying

241-3

§13-241-3

the State of Hawaii as the state of principal use. The second part shall consist of not more than four arabic numerals. The third part shall consist of not more than two capital letters. Each part will be separated from the other by hyphens or equivalent spaces. For example: HA-1240-AD; HA-124-AA; HA 1240 AD. The hyphen or space shall be equal to the width of any letter except "I" or any numeral except "1."

(c) Since the letters "I," "0" and "Q" may be mistaken for arabic numerals, all letter sequences using "I," "0" and "Q" shall be omitted. Objectionable words formed by the use of two or three letters will not be used.

[Eff 2/24/94 ] (Auth HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-4 Number display. (a) The identification number awarded to any vessel as indicated in the certificate of number shall be painted on, attached to or otherwise permanently displayed on each side of the bow (i.e. the forward half of the hull) or on the permanent superstructure located on the forward half of the hull which is as nearly vertical as possible where such number may be easily observed and provide maximum opportunity for identification, or when due to vessel configuration the above will not provide ready identification, on a bracket or fixture firmly attached to the forward half of the vessel. The number shall not be placed on the obscured underside of a flared bow where the angle is such that the numbers cannot be easily seen from another vessel or ashore. The numerals and letters shall read from left to right, shall be in block characters of good proportion and must measure not less than three full inches from top to bottom. The phrase "block characters of good proportion" means that the numerals and letters are vertical, not slanted, and of a plain style, not script or of varying thickness and preferably without border, trim, outlining or shading. Border, trim, outlining, or shading of character shall be disregarded in determining height of the character, or its style or color contrast. The numerals and letters shall be of one solid color exclusive of any colored border, trim, outlining or shading which will form a good contrast with the color of the background and so maintained as to be

clearly visible and legible. The

241-4

§13-241-5

phrase "contrast with the color of the background" means that the numerals and letters in the number will be of such a different color from that of the background as to be distinctly visible and legible. As used in this section, background shall mean that portion of the hull or superstructure, or a specially provided backing plate, upon which the numbers are placed, but shall not include any border, trim, outlining or shading of the numerals or letters. The test of legibility and for the determination of adequacy of contrast is the ability to read the letters and numbers at approximately one hundred feet distance.

(b) No numerals, letters or devices other than those used in connection with the ready identification numbers issued to a vessel shall be carried on the forward half of the vessel and no devices which might interfere with the ready identification of the vessel by its number shall be carried on any part of the vessel.

(c) No identification numbers other than those awarded to a vessel as indicated in a valid certificate of number that is in full force and effect shall be displayed on the forward half of any undocumented vessel. Any other previously awarded number or numbers awarded in a certificate of number that has expired or been cancelled or withdrawn shall be covered or removed. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-5 Application for number; contents; requirements.

(a) The application for a certificate of number shall be made by the owner to the department or any agency authorized by the department in accordance with procedure prescribed by the department on the form it prescribes and shall contain:

- (1) The name, residence and mailing address of the owner.
- (2) Date of birth of owner.
- (3) Present citizenship of owner.
- (4) State in which vessel is principally used.
- (5) Location where vessel is principally kept.
- (6) Present state or Coast Guard number on vessel, if any.
- (7) Date vessel entered Hawaii, if numbered in another state.

§13-241-5

- (8) Date vessel was first operated by applicant.
- (9) A description of the vessel including, but not limited to the following so far as it exists: hull material (wood, steel, aluminum, plastic, other), type of propulsion (outboard, inboard, inboard-outboard, sail, other), type of fuel (gas, diesel, other), length of vessel, make, model, type, builder, year built, and country in which built.
- (10) The names and addresses of any lienholders in the order of their priority.
- (11) Statement as to use (pleasure, livery, government, youth group, dealer, manufacturer, commercial fishing, charter fishing, carrying passengers for hire, commercial other, other).
- (12) Builder's hull identification number. Where there is no builder's hull identification number on the vessel or where a builder's hull identification number has been destroyed or obliterated, the application shall so state.
- (13) Any further information the department reasonably requires: (1) to identify the vessel, (2) to enable a determination that the owner is entitled to a certificate of number, (3) to determine if a security interest in the vessel exists, or (4) for the use by federal, or other state or local agencies.
- (14) A certification of ownership by the applicant.
- (15) Signature of owner.

(b) If the application refers to a vessel purchased from or through a boat dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of this security agreement and be signed by the boat dealer as well as the owner. The boat dealer shall promptly mail or deliver the application to the department.

(c) Every initial application for a certificate of number shall be accompanied by:

- (1) Appropriate evidence establishing proof of ownership of the vessel by the applicant. Proof of such ownership shall be established for the

purposes of this section by one of the following:

- (A) Certificate of sale signed by the seller, showing the name and address of the seller,

241-6

§13-241-5

name and address of the purchaser, the location and date of sale, and description of the vessel.

- (B) A properly endorsed document indicating title if the vessel has been numbered and issued a title by another state or country.

- (C) Where neither subparagraphs (A) nor (B) is appropriate, an affidavit executed by the applicant fully setting forth the facts to support applicant's claim of ownership in the vessel.

- (D) The department, if not satisfied with the evidence submitted as proof of ownership, may require additional information and documents, including any additional statements under oath to establish proof of ownership.

- (2) A statement under oath or the certificate of a person authorized by the department that the builder's hull identification number, if any, of the vessel has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vessel the department reasonably requires.

(d) All requirements governing the application for certificate of number shall apply to livery (rental) boats, except that the description of the motor, if any, and type of fuel need not be completed on the application in every case where the engine is not rented as part of the boat.

(e) Application for certificate of number for dealer's or manufacturer's vessels shall not require a description of the vessel, since the number issued may be transferred from one vessel to another. In lieu of the description the word "manufacturer" or "dealer," whichever is appropriate, shall be plainly indicated on the application.

(f) The department shall require any person applying for a certificate of number pertaining to a foreign built vessel to furnish evidence of payment of custom duties upon reasonable belief that any United States Customs duty

pertaining to the vessel has not been paid.

(g) A person applying for a certificate of number for a vessel that is presumptively five net tons or more (thirty-two feet in length, eight feet in beam, and two and one-half feet in depth, or greater) and to be used in coasting trade or commercial fishing shall be granted a temporary certificate of number

241-7

§13-241-5

valid for thirty days. The applicant shall be notified of the necessity for having his vessel measured. If, on admeasurement, the vessel is found to be less than five net tons, a certificate of number may be awarded. If the vessel is found to be five net tons or over, the temporary certificate shall be cancelled and notice of the action by the department shall be sent to the Coast Guard. An application for any vessel of five net tons or over shall not be accepted and notice of the action by the department shall be sent to the Coast Guard.

(h) An application for a certificate of number pertaining to a foreign built vessel or a vessel owned by a person not a citizen of the United States and to be used in coasting trade or commercial fishing shall not be accepted and notice of the action by the department shall be sent to the Coast Guard.

(i) An application for issuance of a certificate of number pertaining to a vessel previously owned in whole or in part by a citizen of the United States and purchased by a person not a citizen of the United States shall be accompanied by evidence that the transaction was approved by the United States Maritime Administration, except in those instances where federal laws and regulations do not require approval. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-6 Authority to grant or refuse applications. (a) The department shall examine and determine the genuineness, regularity and legality of every application for numbering of a vessel and any other application lawfully made to the department relating to this chapter and may in all cases conduct any investigation as may be deemed necessary or require additional information. The department shall reject any application if not satisfied with the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

(b) The issuance of a certificate of number under this chapter shall not in any way be construed that the department is warranting or guaranteeing the title of the vessel as it appears on the certificate. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

241-8

§13-241-7

§13-241-7 Certificate of number; contents.

(a) The certificate of number shall contain the following information:

- (1) The name and address of the owner.
- (2) Manufacturer's or builder's hull identification number, if any.
- (3) Hull material (wood, steel, aluminum plastic, other).
- (4) Type of propulsion (outboard, inboard, inboard-outboard, sail, other).
- (5) Type of fuel (gasoline, diesel, other).
- (6) Length of vessel.
- (7) Make, model, type or builder of vessel and year built.
- (8) Statement as to use (pleasure, livery, dealer, manufacturer, commercial fishing, vessel carrying passenger for hire, commercial other, other).
- (9) Number issued to vessel.
- (10) Expiration date of certificate.
- (11) Notice to the owner that he shall report within seven days changes of ownership or address and destruction or abandonment of vessel.
- (12) Notice that the operator shall:
  - (A) Always carry the certificate on vessel when in use.
  - (B) Report to the department all boating accidents.
  - (C) Stop and render aid or assistance if involved in a boating accident.
- (13) Any other data considered necessary by the department.

(b) The description of the vessel will be omitted from the certificate of number awarded to a boat dealer or boat manufacturer pursuant to section 13-241-18 since the number and the certificate of number issued may be transferred from one vessel to another. In lieu of the description, the word

"manufacturer" or "dealer", whichever is appropriate, will be plainly marked on each certificate.

(c) The description of the motor and type of fuel will be omitted from the certificate of number of a livery boat in any case where the motor is not rented with the vessel. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

## 241-9

### §13-241-8

§13-241-8 Certificate of number to be carried aboard vessel; description. The certificate of number shall be of pocket size and water resistant, as prescribed by the chairperson of the board of land and natural resources and shall be available at all times for examination on the vessel for which issued, whenever the vessel is in operation. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-9 Cancellation of certificate and voiding of number. (a) Except as provided in subsection (b) a number issued under this chapter to a vessel shall be permanent.

(b) The chairperson of the board of land and natural resources may cancel a certificate of number or withdraw a number issued to a vessel under this chapter even though the action occurs before the expiration date of the certificate and whether or not the certificate is surrendered to the issuing office. Certain causes for cancellation of certificates of number and withdrawing of number are:

- (1) Issuance of a marine document by the Coast Guard for the same vessel.
- (2) False or fraudulent certification in an application for number.
- (3) Failure to renew a certificate of number within one year of date of expiration.
- (4) If a vessel is lost, destroyed, abandoned, sunk or permanently removed from the State.
- (5) Other reasons when necessary and proper to carry out this chapter. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-10 Period of validity and renewal of certificate of number. (a) The original certificate of number initially issued to a vessel pursuant to this chapter shall continue in full force and effect for a period ending one year from the date of issuance of the certificate unless sooner terminated or discontinued in

accordance with these rules.

241-10

§13-241-11

(b) A certificate of number issued pursuant to this chapter may be renewed at any time within a ninety-day period preceding the expiration date. The same number shall be assigned if the renewal application is received within a year after the expiration date of the certificate of number.

(c) A certificate of number renewed prior to the expiration date shall be valid for a period ending one year from the date of expiration of the certificate being renewed. A certificate of number renewed after the date of expiration of the certificate being renewed shall be valid for a period ending one year from the date of the certificate being renewed.

(d) A renewal application received more than a year after the date of expiration of the certificate of number shall be treated in the same manner as an application for an original number.

(e) A certificate of number is void after the date of expiration indicated thereon. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-11 Owner required to report change of address, ownership, loss, destruction or abandonment of vessel. (a) The owner of any vessel for which a certificate of number has been issued in accordance with this chapter shall notify the department in writing within seven days if:

- (1) The vessel is documented by the Coast Guard; lost, destroyed, abandoned, or sunk; or permanently removed from the State;
- (2) The owner transfers all or any part of the owner's interest in such vessel, other than a security interest to another person or persons; or
- (3) The owner's address no longer conforms to the address appearing on the certificate of number.

(b) The holder of a certificate of number, as a part of the notification, shall furnish the department with the holder's new address, if the holder's address no longer conforms to the address appearing on the certificate of number. If the change in status involves a transfer of ownership, the name and address of the new owner shall be included in the notification. A transfer by an owner is not

effective until this section has been complied with and

241-11

§13-241-11

the owner has delivered possession of the vessel to the transferee.

(c) The certificate of number for a vessel shall terminate if:

- (1) The vessel is documented, lost, destroyed, abandoned, sunk, or permanently removed from the State; or
  - (2) The owner transfers all or any part of the owner's interest in the vessel, other than a security interest to another person or persons.
- [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24, 200-31)

§13-241-12 New owner must secure new certificate of number. (a) The new owner of all or any part of the interest in any vessel for which a certificate of number has been issued pursuant to this chapter shall, within seven days after acquiring same, make application to the department upon forms prescribed by it, for transfer or revision, whichever is appropriate, of the certificate of number issued to such vessel. The application shall contain, in addition to the information prescribed in section 13-241-5 for certificate of number applications a statement concerning the date of purchase by the applicant and the name and address of the person from whom the vessel or an interest therein was acquired. The amended certification shall if in full force and effect at the time of the transfer remain valid for so long as the original certificate would have been valid under this chapter. Except as provided in subsection (b), unless the application is made and fee paid within seven days, the vessel shall be deemed to be without certificate of number and it shall be unlawful for any person to operate the vessel on the waters of the State until a valid certificate is issued.

(b) Subsection (a) notwithstanding, if a boat dealer (1) buys a vessel for which a certificate of number has been awarded pursuant to this chapter, (2) procures the certificate of number from the owner, (3) holds the vessel for resale, and (4) notifies the department of the purchase within seven days after delivery of the vessel, the boat dealer need not apply to the department for transfer of the certificate of number issued

to the vessel. A copy of the dealer's notification of purchase to the department shall, together with the certificate of number, be available at all times for examination on the vessel for which issued, whenever the vessel is in operation. The boat dealer upon transferring the vessel to another person shall promptly mail or deliver the certificate of number to the department with the transferee's application for a new certificate of number as prescribed in subsection (a).

(c) Every boat dealer shall maintain for three years a written record in the form the chairperson of the board of land and natural resources, prescribes, of every vessel bought, sold or exchanged or received for sale or exchange. The record shall, for the purpose of enforcing these rules, be open to inspection by a representative of the department or enforcement personnel during reasonable business hours. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: §§200-24, 200-31)

§13-241-13 Registration stickers (decals). (a) Every vessel required to be numbered in the State shall display stickers issued by the department to identify the vessel as currently registered.

(b) Registration stickers shall have a dominant- colored border around their edge which shall change from year to year. Effective January 1, 1981, the color of the border shall be blue; international orange in 1982; green in 1983; red in 1984; and the cycle to be repeated commencing in 1985.

(c) Registration stickers shall be securely affixed on each side of the vessel three inches aft (towards the stern) of and directly in line with the registration numbers, and shall be so maintained as to be clearly legible and visible at all times. Only current registration stickers shall be displaced. All previous year stickers will be covered or removed. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-14 Stolen or mutilated certificates or registration stickers (decals). If any certificates of number or registration sticker becomes lost, destroyed,

## §13-241-14

stolen, mutilated or illegible, the owner of the vessel for which the same was issued shall, within seven days of the occurrence, forward to the department a report in writing, describing the circumstances of the loss or destruction and certifying to its loss together with a completed application form as prescribed by the department for the replacement of the certificate of number or registration sticker. The duplicate certificate of number or registration sticker issued as a result of such application will replace the certificate or registration sticker so lost or destroyed. Any certificate of number or registration sticker so mutilated as to be illegible shall be forwarded to the department with the application for replacement. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-15 Falsified, unauthorized, or removed identification number. (a) No person shall buy, receive, operate, possess, sell or dispose of a vessel with knowledge that an identification number or registration sticker on the vessel has been removed or falsified with intent to avoid compliance with this chapter or to conceal or misrepresent the identity of the vessel or its owner.

(b) No person shall remove or falsify a vessel identification number or registration sticker or affix to a vessel an identification number or registration sticker not authorized by law for use on the vessel in order to avoid compliance with this chapter or to conceal or misrepresent the identity of the vessel or its owner. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24, 200-31)

§13-241-16 Improper use of certificate of number. (a) No person shall permit another not entitled to use or have possession of a certificate of number or registration sticker.

(b) No person shall alter, forge or counterfeit a certificate of number or registration sticker.

(c) No person shall have possession of or use a certificate of number or registration sticker, knowing it to have been altered, forged or counterfeited.

(d) No person shall use a false or fictitious name or address, make a false statement or conceal any material fact in an application for a certificate of number or its transfer. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-17 Seizure of documents and stickers (decals).  
The department is authorized to take possession of any certificate of number, permit or registration sticker issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-18 Numbering of manufacturer's and dealer's vessels. (a) Numbering requirements of these rules shall apply to unnumbered vessels operated by boat manufacturers or boat dealers.

(b) A boat dealer or boat manufacturer, upon application to the department using forms prescribed by it, may obtain a certificate of number as prescribed by the department for use in the testing, demonstrating, delivery or transportation of unnumbered vessels that the applicant owns upon payment of a required fee for each certificate. A certificate of number so issued may be used by the applicant in the testing, demonstrating, delivery or transportation of unnumbered vessels that the applicant owns by temporary placement of the number assigned by the certificates on the vessel so tested, demonstrated, delivered or transported. The temporary placement of numbers shall otherwise be as prescribed by these rules.

(c) The boat manufacturer or boat dealer may have the number issued printed upon or attached to a movable sign or signs to be temporarily but firmly mounted upon or attached to an unnumbered vessel that the manufacture or dealer owns being delivered, transported, demonstrated or tested so long as the display meets the requirements of section 13-241-4.

(d) No person other than a boat dealer or boat manufacturer or a representative of a boat dealer or boat manufacturer shall display or use a boat dealer's or boat manufacturer's identifying number.

§13-241-18

(e) No boat dealer or boat manufacturer or representative of a boat dealer or boat manufacturer shall use a boat dealer's or boat manufacturer's number for any purpose other than the purpose described in subsection (b).

(f) The boat manufacturer or boat dealer may have more than one certificate of number issued if the boat manufacturer or boat dealer is the owner of more than one vessel required to be numbered; provided that upon the sale of any such vessel by said boat manufacturer or boat dealer, then a number shall be applied for by the new owner in the manner provided for in these rules. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-19 Livery boat number. A person who is engaged in the business of boat livery upon application to the department upon forms prescribed by the department may obtain a certificate of number for use on vessels so rented. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-20 Documented vessels not to be numbered. A vessel documented by the Coast Guard or any federal successor thereto shall not be numbered under this chapter. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-21 Issue of certificate of number by department's agents. The department may issue any certificate of number directly or may authorize any person to act as agent for the issuance thereof. In the event that a person accepts such authorization, that person may be assigned registration stickers, a block of numbers and certificates which, upon issuance in conformity with this chapter shall be valid as if issued directly by the department. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-22 Authorization of vessel registration agents.

(a) Agents authorized by the department to conduct registration of vessels shall be known as "vessel registration agents."

(b) Vessel registration agents shall be appointed by the chairperson of the board of land and natural resources.

(c) No compensation shall be given to vessel registration agents for their services.

(d) Each vessel registration agent shall be bonded under a good and sufficient bond conditioned as deemed necessary, the premium to be paid by the State.

(e) All moneys received by a vessel registration agent from registration of vessels shall be kept separate from any other funds of the agent, and all the moneys received shall at all times belong to the State.

(f) Each vessel registration agent shall have and shall maintain as a condition of appointment, the following qualifications:

(1) An established place of business.

(2) Be engaged in an activity directly related to boating.

(3) A means of identification, which will clearly indicate to the public the name of the business, the means of identification to be required for each separate branch of the business which will be authorized to conduct registration of vessels.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-23 Public records. Records of the department made or kept pursuant to this chapter shall be public records.  
[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-24 Transmittal of statistical information.  
In accordance with any request duly made by an authorized official or agency of the United States, any information relating to numbered vessels compiled or otherwise available to the department pursuant to this chapter shall be transmitted to the official or agency of the United States.  
[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-31)

§13-241-25 Fees and charges. (a) The fees to be charged by the department for registration, annual renewal, transfers, duplicate certificates and penalty charges shall be in accordance with section 200-32, Hawaii Revised Statutes.

(b) No fee shall be charged by the department for registration, transfer or annual renewal relating to a vessel whose owner is the United States, the State or a subdivision thereof.

(c) A nonprofit corporation whose purposes relate to promoting the ability of children to do things for themselves, to train them in boating, water safety, scout-craft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues shall not be required to pay the fees provided in this section relating to vessels owned and used exclusively for the purposes of the organization.

(d) The fee for each duplicate certificate of number or for a duplicate registration sticker is as set forth in section 200-32(5), HRS.

(e) Penalty fees.

- (1) If the owner of a vessel fails to obtain a certificate of number as required by this chapter, the applicable fee plus a penalty equal to one tenth of such fee shall be collected from the owner for each month or fraction of a month the owner is late in registering.
- (2) If a certificate of number is not renewed on or before the date on which it expires, the applicable annual renewal fee plus a penalty equal to one-tenth of such fee shall be collected from the owner for each month or fraction of a month the owner is late in renewing except where the vessel has not been on the waters of the State subsequent to the expiration date.
- (3) If the purchaser of any vessel fails to apply for transfer of the certificate of number relating to the vessel as required by section 13-241-12, the applicable fee plus a penalty of ten per cent for each month or fraction thereof the owner is late in applying for the transfer shall be collected from the owner except where the vessel has not been on the waters of the State subsequent to the purchase.

(4) The penalty fees prescribed in this section are in addition to any penalties imposed by a court for violations of these rules.

(f) Payment of fee required prior to processing. No application for a certificate of number, transfer or renewal of certificate, or for a duplicate certificate of number or duplicate registration stickers shall be processed until the prescribed fees are paid.

(g) Fees for furnishing information. Individuals or firms requesting an alphabetical or numerical listing of boat owners and information concerning their boats shall be charged a fee as prescribed by the chairperson, board of land and natural resources. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-32)

§13-241-26 Negotiable instruments; service charge. (a) The service charge for any dishonored check, draft, certificate of deposit or other negotiable instrument is \$12.

(b) Payment to and acceptance by the department of the service charge for a check, draft, certificate of deposit or other negotiable instrument, shall not be construed as a waiver of any violation of the Hawaii Penal Code, chapters 701 to 713, Hawaii Revised Statutes, or of these rules. [Eff 2/24/94 ] (Auth: HRS §200-2) (Imp: HRS §200-2)

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 242                      ACCIDENTS, REPORTS, FINES,    ENFORCEMENT AND RECORDS

#### Historical note

§13-242-1	Duty to render aid and give information
§13-242-2	Duty upon striking unattended vessel or other property
§13-242-3	Immediate notice of accident; when required
§13-242-4	Written boating accident report; when required
§13-242-5	Accident reports not public records
§13-242-6	False reports
§13-242-7	Boating accident reports; contents
§13-242-8	Police reports of boating accidents
§13-242-9	Transmittal of statistical information
§13-242-10	Reporting nonresident boating accidents
§13-242-11	Investigation of accidents by department
§13-242-12	Boating accident records; held five years
§13-242-13	Fines and penalties
§13-242-14	Enforcement personnel
§13-242-15	Stopping vessels for inspection
§13-242-16	Termination of unsafe use
§13-242-17	Powers of arrest
§13-242-18	Citation of violation
§13-242-19	Taking legal custody of the vessel or property
§13-242-20	Attorney general
§13-242-21	Records of conviction
§13-242-22	Records furnished to courts
§13-242-23	Reporting nonresident convictions

Historical note. This chapter is based on accidents, reports, fines, enforcement and records of the State Boating Rules effective November 5, 1981, and as amended thereafter by the Department of Transportation, Harbors Division. The

administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-242-1

§13-242-1 Duty to render aid and give information. (a) It shall be the duty of the operator of a vessel involved in a boating accident, as defined in section 13-240-5, if and so far as the operator can do so without serious danger to the operator's own vessel or persons aboard to render to the other persons affected by the accident, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the accident and also to give the operator's name, address, and identification of the operator's vessel to any person injured and to the owner of any property damaged in the accident.

(b) The duties imposed by chapter 13-242 shall be in addition to any duties otherwise provided by law.  
[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-28)

§13-242-2 Duty upon striking unattended vessel or other property. The operator of any vessel which is involved in a boating accident, with any vessel or other property which is unattended, resulting in any damage to the other vessel or property, shall, so far as can be done without serious danger to the operator's own vessel or persons aboard, stop and; (1) shall then and there locate and notify the owner of the property of the name and address of the owner and the identification of the vessel striking the unattended vessel or property or (2) shall attach securely in a conspicuous place in or on the vessel or property a written notice giving the information or (3) in the event the procedures are not feasible, the operator shall as soon as possible take all reasonable steps to locate and notify the owner of the unattended property and give the operator's name and address to the owner and the identification of the vessel. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-28)

§13-242-3 Immediate notice of accident; when required.  
(a) The operator of any vessel which is involved in a

boating accident as defined in section 13-240-5, if the casualty results in death or injury of any person sufficient to cause reasonable belief that the injury will require medical treatment beyond first aid or if a person disappears from on board under circumstances which suggest any possibility of their death or injury shall, as soon as possible after fulfilling the requirements of section 13-242-1, by the quickest means of communication, give notice of the accident to a harbor official, police officer or the nearest police station with the following:

- (1) The date, time, and exact location of the occurrence;
- (2) The name of each person who was a casualty;
- (3) The number and name of the vessel; and
- (4) The names and addresses of the owner and operator.

(b) The above action shall be followed up by a written report as required in section 13-242-4.

(c) Whenever the operator of a vessel is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant on the vessel at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the operator.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-28, 200-29)

§13-242-4 Written boating accident report; when required.

(a) Whenever a boating accident results in: (1) loss of life or the disappearance of any person; (2) injury causing any person to require medical treatment beyond first aid; or (3) actual damage to any vessel or to any other property in excess of \$200, then the operator of the vessel shall submit within forty-eight hours of the happening thereof, and within seven days of every other accident, a written report to the department on forms furnished by the department which report must contain information as prescribed in section 13-242-7.

(b) This section shall apply to the operator of: (1) any vessel involved in a boating accident in the waters of the State; and (2) any vessel required to be numbered or numbered pursuant to these rules and involved in a boating accident in any waters; provided that the report need not be filed with the department where the operator is required

by federal laws and requirements to report the accident to the Coast Guard.

(c) A written accident report is not required under this section from any person who is physically incapable of making a report during the period of the incapacity.

(d) Whenever the operator is physically incapable of making a written report of a boating accident as required in this section and the operator is not the owner of the vessel, then the owner of the vessel involved in the accident shall make the report not made by the operator. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29)

§13-242-5 Accident reports not public records.

(a) All written reports required in section 13-242-4 to be forwarded to the department by operators or owners of vessels involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state or federal agencies having use of the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when the person is not otherwise known or when the person denies presence at the accident.

(b) No written reports forwarded under section 13-242-4 shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if the report has been made, the date, time and location of the accident, the name and address of the operator, the owner of the vessel involved, and the investigating officer. The reports may be used as evidence when necessary to prosecute a violation of section 13-242-6. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29)

§13-242-6 False reports. No person shall give information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29)

242-4

§13-242-7

§13-242-7 Boating accident reports; contents.

(a) Written reports of boating accidents submitted in

accordance with section 13-242-4 shall be submitted on forms furnished by the department and shall contain the following information:

- (1) The identity of vessels involved.
- (2) The locality where the accident occurred.
- (3) The time and date when the accident occurred.
- (4) Weather and water conditions at time of accident.
- (5) The name, address, age, and vessel operating experience of the operator of the reporting vessel.
- (6) The names and addresses of operators and identification of vessels or property involved.
- (7) The names and addresses of the owners of vessels or other property involved.
- (8) The names and addresses of any person or persons injured or killed.
- (9) The nature and extent of injury to any person or persons.
- (10) A description of damage to property including vessels and estimated cost of repairs.
- (11) A description of the accident including opinions as to the cause.
- (12) The length, method of propulsion, horsepower, fuel and hull material of the reporting vessel.
- (13) Names and addresses of known witnesses.
- (14) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.
- (15) The availability and use of personal flotation devices.
- (16) The type and amount of each fire extinguisher used.
- (17) A description of each equipment failure that caused or contributed to the cause of the casualty.
- (18) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other).

- (19) The make, model, type of vessel (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), hull material (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.
- (20) The manufacturer's hull identification number, if any, of the reporting operator's vessel.
- (21) Any other information the department considers necessary.

(b) The department may require any operator of a vessel involved in an accident of which a written report shall be made as provided in section 13-242-4 to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29)

§13-242-8 Police reports of boating accidents.

Pursuant to section 200-27, Hawaii Revised Statutes, for the purpose of enforcement, it shall be incumbent upon the police chief of each political subdivision of the State to transmit to the department a copy of every investigation report hereafter submitted by any subordinate officers which relate to boating accidents involving vessels required to be numbered pursuant to these rules.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-27)

§13-242-9 Transmittal of statistical information.

In accordance with any request duly made by an authorized official or agency of the United States, any information relating to boating accidents compiled or otherwise available to the department pursuant to this chapter shall be transmitted to the official or agency of the United States.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29)

§13-242-10 Reporting nonresident boating accidents.

The department upon receiving a written boating accident report, concerning a vessel numbered in another state which was involved in the accident, is authorized to forward a certified copy of the report to the boating administrator of the state wherein the vessel is numbered.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-29, 200-30)

§13-242-11 Investigation of accidents by department.

The department may investigate any boating accident and prepare a report which shall be for the confidential use of administrative and enforcement agencies only, including but not limited to agencies of the United States.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-242-12 Boating accident records; held five years.

Records pertaining to any boating accident shall be retained by the department for a period of five years. At the expiration of five years the records shall be destroyed except in those instances where litigation or other circumstances, considered reasonable by the department, warrant retention for an additional period.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-242-13 Fines and penalties. Pursuant to section 200-25, Hawaii Revised Statutes, any person violating any of these rules, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; provided that, in addition to or as a condition to the suspension of the fines and penalties, the court may deprive the offender of the privilege of operating any vessel, on the waters of the State for a period of not more than two years.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-25)

§13-242-14 Enforcement personnel. Pursuant to section 200-2, Hawaii Revised Statutes, the chairperson of the

board of land and natural resources, officers and employees of the department designated by the chairperson, and every state and county officer charged with the enforcement of state laws, hereafter called enforcement personnel, shall enforce and assist in the enforcement of chapter 200, Hawaii Revised Statutes and these rules. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24)

§13-242-15 Stopping vessels for inspection. For the purpose of enforcing chapter 200, Hawaii Revised Statutes, or these rules, any person operating or in charge of a vessel on the waters of the State shall stop the vessel after having been requested or signaled to do so by an enforcement officer. The operator or the person in charge of the vessel and any other person on board shall give their correct name and address, exhibit the certificate of number awarded for the vessel, submit to a reasonable inspection of the vessel and to a reasonable inspection and test of the equipment of the vessel. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24)

§13-242-16 Termination of unsafe use. If any enforcement officer observes a vessel being used without sufficient lifesaving or firefighting or in an overloaded or other unsafe condition, and in the officer's judgment the use creates an especially hazardous condition, the officer may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to the vessel's mooring and to remain there until the situation creating the hazard is corrected or ended. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24)

§13-242-17 Powers of arrest. An enforcement officer who observes any violation by any person of chapter 200, Hawaii Revised Statutes, or of these rules may forthwith arrest the person without a warrant. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-26)

§13-242-18 Citation of violation. Except when required by state law to take immediately before a magistrate a person arrested for a violation of these rules, any person authorized to enforce these rules, hereinafter referred to as an enforcement officer, upon arresting a person for violation of these rules shall, in the discretion of the enforcement officer as provided in section 200-26, Hawaii Revised Statutes, either: (1) issue to the purported violator a summons or citation, warning the violator to appear and answer to charges at a certain place and at a time within seven days after the arrest; or (2) take the violator without unnecessary delay before a magistrate. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-26)

§13-242-19 Taking legal custody of the vessel or property. As an incident to a lawful arrest, the arresting authority may take legal custody of the vessel or any personal property which is the subject of or related to any violation of chapter 200, Hawaii Revised Statutes, or of these rules. In the event the operator or the person in charge of the vessel refuses to obey the lawful command of an enforcement officer to navigate his vessel back to shore, the vessel may be towed at the owner's risk and expense and without liability to the department for any damages which may result. The vessel or personal property shall be released according to law. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-26)

§13-242-20 Attorney general. The attorney general may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of the provisions of chapter 200, Hawaii Revised Statutes, or of these rules. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-242-21 Records of conviction. The department shall file all abstracts of records of conviction received relating to violation of the state boating law, these rules, federal laws or regulations governing vessel

§13-242-21

operations, from other states or elsewhere and in connection therewith shall maintain convenient records by name of the

violator in order that the individual record of each person convicted is readily ascertainable. The department shall retain the abstract for a period of five years at which time it shall be destroyed. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-242-22 Records furnished to courts. The department shall, upon written request of a court, furnish to the court a certified copy of the individual record of any person. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-242-23 Reporting nonresident convictions. The department upon receiving a record of conviction in the State of an operator of a vessel numbered in another state of any offense of chapter 200, Hawaii Revised Statutes, or of these rules, shall forward a certified copy of the record to the boating administration of the state wherein the vessel is numbered. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-24, 200-30)

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 243 VESSEL EQUIPMENT REQUIREMENTS

#### Historical note

§13-243-1	Equipment required by vessels on state waters
§13-243-2	Marine sanitation devices
§13-243-3	Liquified petroleum gas
§13-243-4	Mufflers
§13-243-5	Recognition of marine examination decals

Historical note. This chapter is based on vessel equipment requirements of the state boating rules, effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-243-1 Equipment required by vessels on state waters. This chapter applies to all vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel, except Hawaiian design racing canoes, racing shells, rowing sculls, and racing kayaks. Navigational lights, sound producing devices, personal flotation devices, ventilation, backfire flame control, and distress signals shall conform to the standards set forth in U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, of August 17, 1990 and as revised thereafter; U. S. Coast Guard Boating Standards Manual COMDTINST M16761.2B, dated March 26, 1991 and as revised thereafter; 33 CFR Parts 175, 177, 181, and 183; and 46 CFR Part 25 as they existed on October 1, 1992 and as revised thereafter. The standards above are incorporated in this chapter by reference. Copies may be obtained from the 14th Coast Guard District. They are also available for inspection at the division of boating and ocean recreation, department of land and natural resources, 333 Queen St., Suite 300, Honolulu, Hawaii. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-243-2 Marine sanitation devices. All vessels on state waters and having a marine sanitation device shall comply with 33 CFR Part 159. [Eff 2/24/94 ] (Auth: HRS

§200-24) (Imp: HRS §200-24)

243-1

§13-243-3

§13-243-3 Liquified petroleum gas. A vessel carrying passengers for hire on the waters of the State may not use for heating, cooking or lighting, any liquified petroleum gas or any of those inflammable liquids which are prohibited by federal regulations or requirements. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §200-24)

§13-243-4 Mufflers. A vessel propelled by an internal combustion engine shall, when in operation, be equipped with an efficient muffler, underwater exhaust or other modern device in good working order and in constant operation capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts, or open exhaust stacks is prohibited, except: (1) for motorboats competing in a race or regatta approved by the department or a federal agency; (2) while competing in official trials for speed records; or (3) for such vessels while on trial runs as is incidental to the tuning up of the boats and engines. The phrase "adequate muffling" means that the motor's exhaust at all times be so muffled or suppressed as to not create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-243-5 Recognition of marine examination decals. In order to free enforcement personnel for other inspections and duties and in recognition of the exacting requirements of the Courtesy Marine Examination, enforcement personnel shall not stop and board any vessel properly displaying a valid United States Coast Guard Auxiliary Courtesy Marine Examination decal for the purpose of determining compliance with this chapter except upon reasonable belief that the vessel is being operated in violation of these rules or other regulations or laws. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

243-2

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 244

### RULES OF THE ROAD; LOCAL AND SPECIAL RULES

#### Historical note

§13-244-1	Standard: due care
§13-244-2	Rules of the road
§13-244-3	General prudential rule
§13-244-4	Pamphlet - Navigation Rules
§13-244-5	The rule of good seamanship
§13-244-6	Distress signals
§13-244-7	Careless operation
§13-244-8	Reckless operation
§13-244-9	Speed restrictions
§13-244-10	Persons under the influence of intoxicating liquor
§13-244-11	Persons under the influence of drugs
§13-244-12	Incapacity of operator
§13-244-13	Interference with navigation
§13-244-14	Overloading
§13-244-15	Overpowering
§13-244-16	Restricted areas
§13-244-17	Riding on bow or gunwales prohibited
§13-244-18	Waterskiing; dangerous practices prohibited; hand signals
§13-244-19	Authorization required to hold regatta, marine parade, boat race or exhibition
§13-244-20	Stolen or lost vessels
§13-244-21	Reporting vessels found
§13-244-22	Interstate boat compacts; reciprocal agreements and courtesy
§13-244-23	Manufacturer's or builder's serial number required
§13-244-24	Report required by boat builders and boat manufacturers
§13-244-25	Report required by boat dealers
§13-244-26	Boat liveries
§13-244-27	Department not to approve products of manufacturers
§13-244-28	Waikiki ocean waters restricted areas
§13-244-29	Makapuu ocean waters
§13-244-30	Kealahou Bay ocean waters

## §13-244-1

§13-244-31	Kailua Beach ocean waters
§13-244-32	Ahihi-Kinau ocean waters
§13-244-33	Pokai Bay ocean waters
§13-244-34	Ala Moana Beach Park ocean waters
§13-244-35	Manele-Hulopoe marine life conservation district
§13-244-36	Kaanapali ocean waters, general restrictions
§13-244-37	Zone A, Zone B, Ingress/Egress Zones, and Ingress/Egress Corridors
§13-244-38	Pipelines in Keehi Lagoon
§13-244-39	Maunalua Bay ocean waters
§13-244-40	Vessel operation in proximity of humpback whales

Historical note. This chapter is based on rules of the road; local and special rules of the state boating rules effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation, Harbors Division. The administrative jurisdiction for recreational boating and related vessel activities was transferred from the Department of Transportation, Harbors Division to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-244-1 Standard: due care. Vessels shall at all times be operated with due care for the rights and safety of persons and property. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: §§200-22, 200-24)

§13-244-2 Rules of the road. (a) Persons operating vessels on inland waters shall comply with the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter, which by reference are incorporated in this chapter.

(b) Persons operating vessels on the high seas shall comply with the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter, which by reference are incorporated in this chapter. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

244-2

§13-244-6

§13-244-3 General prudential rule. In obeying and construing the rules in this chapter, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the rules necessary in order to avoid immediate danger. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-4 Pamphlet - navigation rules. All vessels over sixty-five feet in length upon the inland waters of the State, where practicable, shall carry on board and maintain for ready reference copies of the current edition of the U. S. Coast Guard Navigation Rules, COMDTINST M16672.2B, as they existed on August 17, 1990, and as amended thereafter. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-5 The rule of good seamanship. Nothing in these rules shall exonerate any vessel, or the owner or master, or crew, thereof, from the consequences of any neglect to carry lights or signals or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-6 Distress signals. (a) When a vessel is in distress and requires assistance from other vessels or from the ocean, the following shall be the signals to be used or displayed by the vessel, either together or separately, namely:

- (1) A gun or other explosive signal fired at intervals of about a minute.
- (2) A continuous sounding with any fog-signaling device.
- (3) Rockets or shells, throwing red stars one at a time at short intervals.
- (4) A signal made by radio telegraphy, flashlight or any other signaling method consisting of group ...---... in the morse code.
- (5) A signal made by radiotelephony consisting of the spoken word "MAYDAY".

§13-244-6

- (6) The International Code Signal of distress indicated by November Charlie.
- (7) A signal consisting of a square flag having below it a ball or anything resembling a ball.
- (8) Flames on the vessel (as from a burning oil barrel, bucket, etc.).
- (9) A rocket parachute flare or a hand-held flare showing a red light.
- (10) A smoke signal giving off a volume of orange-colored smoke.
- (11) Standing in a conspicuous place on a vessel and slowly and repeatedly raising and lowering arms outstretched to each side, preferably with a bright object such as a white towel in each hand.
- (12) Display of a large flag, bright orange in color, with a black ball and square superimposed.
- (13) Dye marker on the water (any color).
- (14) An aerial flare (any color).
- (15) Emergency-position-indicating radio beacon.

(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel is in distress, and the use of any signals which may be confused with any of the above signals, are prohibited. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-7 Careless operation. No person shall operate any vessel in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit that person in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-8 Reckless operation. No person shall operate any vessel in a willful or wanton disregard for the safety of persons or property. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-9 Speed restrictions. (a) The speed of all vessels on the waters of the State shall be limited to a slow-no-wake speed so as to create no wake of appreciable wave height, when within two hundred feet of any:

- (1) Shoreline;
- (2) Float;
- (3) Dock;
- (4) Launching ramp;
- (5) Congested beach;
- (6) Swimmer;
- (7) Diver's flag; or
- (8) Anchored, moored or drifting vessel.

(b) No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use, or as posted by buoy or sign. [Eff 2/24/94 ]  
(Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-244-10 Persons under the influence of intoxicating liquor. (a) No person who is under the influence of intoxicating liquor shall operate or be in actual physical control of any vessel upon waters of the State.

(b) No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor. [Eff 2/24/94 ] (Auth: HRS §200-24)  
(Imp: HRS §§200-22, 200-24)

§13-244-11 Persons under the influence of drugs. No person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any drug to a degree which renders that person incapable of safely operating a vessel shall operate a vessel on the waters of the State. The fact that any person charged with a violation of this section is or has been entitled to use the drug under the laws of the State shall not constitute a defense against any charge of violating this section.  
[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: §§200-22, 200-24)

§13-244-12

§13-244-12 Incapacity of operator. No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating the vessel under the prevailing circumstances. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-13 Interference with navigation. (a) No person shall operate any vessel in a manner which shall unreasonably or unnecessarily interfere with other vessels or with the free and proper navigation of the waterways of the State.

(b) Anchoring under bridges or in restricted channels shall constitute such interference if unreasonable under the existing circumstances.

(c) A motorboat underway shall keep out of the way of a vessel engaged in fishing. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-14 Overloading. No vessel shall be loaded with persons or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions. Capacity and loading of vessels shall be in conformance with 33 CFR Part 183. [Eff 2/24/94 ] (Auth: HRS §§200-22, 200-24) (Imp: HRS §§200-22, 200-24)

§13-244-15 Overpowering. No vessel shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of the vessel and other existing operating conditions. Capacity and horsepower limitations shall be in conformance with 33 CFR Part 183. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-16 Restricted areas. No person shall operate a vessel within a water area which has been clearly marked, in accordance with, and as authorized by, these rules by buoys or some other distinguishing device as a bathing,

swimming or otherwise restricted area; provided that this section shall not apply in the case of an emergency, or to patrol or rescue craft. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-17 Riding on bow or gunwales prohibited. No person operating a motorboat of twenty-six feet or less in length shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of the vessel while underway unless the motorboat is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over a bow of the boat to moor the vessel or to cast off from a mooring, or for any other necessary purpose. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-18 Waterskiing; dangerous practices prohibited; hand signals. (a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two competent persons, one of whom shall observe at all times the progress of the person or persons being towed; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor, or to any motorboat equipped with an adequate rear view mirror. A rear view mirror shall be considered adequate if it permits the operator to see the person being towed when that person is within the towboat wakes on a seventy-five foot line and to identify common hand signals used by the person being towed. An observer shall be considered competent if, in fact, the observer is at all times observing the progress of the person or persons being towed and is accurately relaying signals or other pertinent information to the vessel operator concerning the progress of the person being towed. This subsection shall not apply to vessels less than sixteen feet in length actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the vessel.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance during the period from sunset to sunrise; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor.

(c) All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons or property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, towrope or other devices by which the direction or location of water skis, an aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar devices, or any person thereon to collide with or strike against any person or object.

This subsection does not apply to collisions with towlines nor to collisions of two or more persons, aquaplanes or similar devices being towed behind the same vessel, nor to collisions with ski jumps, buoys or similar objects normally used in competitive or recreational waterskiing.

(e) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water; provided, that this subsection shall not apply to motorboats used in duly authorized water-ski tournaments, competitions, expositions, or trials therefor.

(f) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aquaplane or similar contrivance unless the person being towed is equipped with a lifesaving device; provided that this subsection shall not apply to persons participating in authorized water-ski tournaments, competitions, expositions, or trials therefor.

(g) No person who is under the influence of intoxicating liquor or who is a habitual user of or under the influence of any drug to a degree which renders the person incapable of safely manipulating water skis or aquaplane or similar contrivance shall manipulate waterskis, an aquaplane or similar contrivance on the waters of the State.

244-8

§13-244-19

(h) The following uniform system of hand signals shall be used by water-skiers while engaged in water-skiing activity:

- (1) Faster. Palm of the hand pointing upward.
- (2) Slower. Palm of the hand pointing downward.

- (3) Speed correct. Arm upraised with the thumb and forefinger forming a circle.
- (4) Right turn. Arm outstretched pointing to the right.
- (5) Left turn. Arm outstretched pointing to the left.
- (6) Back to the drop-off area. Arm at forty-five degrees angle from body pointing down to water and swinging.
- (7) Cut motor. Finger drawn across throat.
- (8) Stop. Hand up, palm forward, police traffic style.
- (9) Skier unhurt (O.K.) after fall. Hands clenched overhead.
- (10) Pick me up--fallen skier--watch out. One ski held vertical (pointing skyward) as far out of the water as practicable.

(i) No person shall manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger any person or property.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-19 Authorization required to hold regatta, marine parade, boat race or exhibition. (a) Definition of terms used in this chapter. "Regatta" or "marine parade" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) Authorization required; submission of application.

- (1) Any person or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of persons or property on the waters of the State shall submit an application to the chairperson of the board of land and natural resources. No person shall hold such a regatta or marine parade, unless the authorization of the chairperson, has been secured, except that the chairperson's authorization is not required if prior

§13-244-19

authorization has been secured from the United States Coast Guard. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to: an

inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channels which may reasonably be expected to result, and the expected accumulation of spectator craft.

- (2) Where the events are to be held regularly or repeatedly in a single area by an individual or organization, the chairperson may, subject to conditions set from time to time by the department, grant a permit for the series of events for a fixed period of time, not to exceed one year.
- (3) The application shall be submitted no less than thirty days prior to the start of the proposed event.
- (4) The application shall include the following details:
  - (A) Name and address of sponsoring organization.
  - (B) Name, address and telephone number of person or persons in charge of the event.
  - (C) Nature and purpose of the event.
  - (D) Information as to general public interest.
  - (E) Estimated number and type of watercraft participating in the event.
  - (F) Estimated number and type of spectator watercraft.
  - (G) Number of boats being furnished by sponsoring organization to patrol event.
  - (H) Time schedule and description of events.
  - (I) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

(c) An authorization by the chairperson does not exempt a person holding an event from compliance with applicable federal law. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-20 Stolen or lost vessels. (a) Police reports pursuant to section 200-27, Hawaii Revised Statutes. The police chief of each political subdivision of the State shall transmit to the department a copy of every investigation report hereafter submitted by subordinate officers which relate to theft, loss or recovery of vessels required to be registered and numbered pursuant to section 200-31, Hawaii Revised Statutes.

(b) Owner reports to department. The owner of a vessel numbered in accordance with the laws of the State which has been stolen, lost or embezzled may notify the department of the theft or embezzlement, but in the event of an embezzlement the owner may make the report to the department only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement. Every owner who has given such notice shall notify the department of a recovery of the vessel.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-21 Reporting vessels found. Any person who finds a vessel which is adrift or has been lost shall report the whereabouts of such vessel to the owner, to any police officer or to the department at the earliest possible time. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24, 200-30)

§13-244-22 Interstate boat compacts; reciprocal agreement and courtesy. (a) Declaration of policy.

- (1) As provided in section 200-30, Hawaii Revised Statutes, it is the policy of the department to promote, encourage and facilitate the fullest possible use of its waters and improve boating safety by making and executing boat numbering, equipment or accident-reporting reciprocal or proportional agreements, arrangements and declarations with other jurisdictions, with respect to vessels principally used in this and the other jurisdictions, thus contributing to the economic and social development and growth of the State.

- (2) A nonresident owner of any foreign vessel may operate or permit the operation within the State of any such vessel meeting the requirements of any reciprocity arrangements, agreements or declarations made to carry out this section. This subsection shall not apply to a vessel carrying freight or passengers for hire or to a vessel leased by an owner engaged in the business of leasing vessels.

(b) Declaration of extent of reciprocity. In the absence of any agreement or arrangement with another jurisdiction, the chairperson, board of land and natural resources, may examine the laws and requirements of the jurisdiction and declare the extent or recovery of vessels required to be registered and numbered pursuant to section 200-31, Hawaii Revised Statutes, and nature of exemptions, benefits and privileges to be extended to vessels properly numbered or equipped in the other jurisdictions, as to the owners of the vessels, which shall in the judgment of the chairperson be in the best interest of the State and the citizens thereof, and which shall be fair and equitable to the State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of the State from the uninterrupted flow of commerce; provided that all the vessels shall comply with the minimum equipment requirements of the Coast Guard.

(c) Suspension of reciprocity agreements. Agreements, arrangements or declarations made under the authority of this section may include provisions authorizing the chairperson to suspend or cancel the exemption, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of the agreements, arrangements or declarations or who violates the laws of the State relating to vessels or rules lawfully adopted thereunder. [Eff 2/24/94 ]  
(Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24, 200-30)

§13-244-23 Manufacturer's or builder's hull identification number required. (a) If a vessel contains a permanent identification number placed thereon by the manufacturer thereof, the manufacturer's hull identification number shall be used as the builder's hull identification number. If there is no manufacturer's hull

identification number, or if the manufacturer's hull identification number has been removed or obliterated or if

the vessel is homemade, the department shall, upon a prescribed application, assign a permanent hull identification number which shall be used as the builder's hull identification number for the vessel, and this assigned number shall be permanently affixed to or imprinted by the applicant, at the place and in the manner designated by the department upon the vessel for which the builder's hull identification number is assigned.

(b) No vessel manufactured after January 1, 1967 may be sold or offered for sale by any person in the State unless such vessel has a hull identification number regardless of whether assigned by the manufacturer or by the department.

(c) Manufacturer's hull identification numbers for vessels shall be clearly imprinted in the stern transom, hull or other essential hull member near the stern by carving, stamping, impressing or marking with pressure. In lieu of imprinting, the manufacturer's hull identification number may be displayed on a plate in a permanent manner. In addition to being permanent, the number shall be accessible. If the hull identification number is displayed in a location other than on or near the stern transom, the department must be notified by the manufacturer as to such location.

(d) No person, firm, association or corporation shall destroy, remove, alter, cover or deface the boat manufacturer's hull identification number, or plate bearing the hull identification number, or any hull identification number assigned by the department on any vessel.

(e) No person shall have possession of, buy, receive, sell or offer for sale, or otherwise dispose of in the State a vessel, on which the manufacturer's or assigned hull identification number has been destroyed, removed, covered, altered, or defaced, knowing of the destruction, removal, covering, alteration, or defacement of such manufacturer's or assigned hull identification number. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

244-13

§13-244-24

§13-244-24 Report required by boat builders and boat manufacturers. All boat builders and boat manufacturers in the State shall record with the department the name and address of their business or firm and the name and address of the owner. They shall notify the department upon termination

of their business. The department shall maintain a record of boat builders and boat manufacturers. No recording fee shall be charged. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-25 Report required by boat dealers. All boat dealers in the State shall record with the department the name and address of their place of business and the name and address of the owner. They shall notify the department upon termination of their business. The department shall maintain a record of boat dealers. No recording fee shall be charged. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-26 Boat liveries. (a) Reports required. All boat liveries shall record with the department the name and address of their livery, the name and address of the owner and the number and lengths of boats in use. The boat livery shall notify the department upon termination of service. The department shall maintain a record of all boat liveries. No recording fee shall be charged.

(b) Livery record. The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number thereof, and the departure date and time and the expected time of return. The record shall be preserved for at least six months.

(c) Responsibility for required equipment. Neither the owner of a boat livery nor the owner's agent or employees shall permit any hired vessel to depart from the owner's premises unless it shall have been provided, either by the owner or renter, with the the equipment required pursuant to chapter 13-243. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

244-14

§13-244-28

§13-244-27 Department not to approve products of manufacturers. The department will not endorse or approve the products of any individual firm. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-28 Waikiki ocean waters restricted areas. (a) Definition. "Waikiki ocean waters restricted areas" means the area described as follows:

- (1) Zone A, Waikiki ocean waters means the area described as follows:

Beginning at the makai-Ewa corner of the natatorium; then seaward on a prolongation of the Ewa wall of the natatorium to the outer edge of the reef; then along the reef in the mauka direction to the seaward end of the Kapahulu drainage groin; then seaward along a straight line connecting the seaward end of Kapahulu drainage groin and the Ala Wai boat harbor entrance lighted buoy (Red "2"); then mauka on a prolongation of the Diamond Head boundary line of Fort DeRussy to the mean high water mark of the beach adjacent to the boundary line; then along the mean high water mark in the Diamond Head direction to the mauka-Ewa side of the natatorium; then along the Ewa side of the natatorium in a seaward direction to, and ending at, the point of beginning.

- (2) Restrictions:

- (i) No person shall navigate or moor a vessel in or on the waters, except outrigger canoes operated by a duly organized canoe club, or a sailing catamaran or manually propelled outrigger canoe may be navigated, moored, or anchored in these waters if the vessel has been registered pursuant to this subchapter and is under the immediate control of an operator who has been issued a permit by the department to navigate in the waters. Notwithstanding the provisions of this subsection, a sailing catamaran registered by the department to operate in Waikiki ocean waters and under the immediate control of an operator who has been issued a valid

244-15

§13-244-28

permit by the department may temporarily operate the catamaran in Zone A, Waikiki ocean waters, as a power-driven catamaran when necessary to protect life or property.

- (ii) No person shall navigate or moor a catamaran in or on the waters or on the shore below the mean high watermark if four catamarans

- are navigating or moored in such zone.
  - (iii) The minimum distance separating any two catamarans moored in Zone A shall be eighty feet.
  - (iv) There shall be no surfing in the zone between the water's edge and a point fifty yards seaward therefrom, except for learners while receiving initial instructions under the direct supervision of a primary or senior surfboard instructor who has a permit issued by the department as provided in these rules.
- (3) Zone B, Waikiki ocean waters.
  - (A) Zone B, Waikiki ocean waters means the area described as follows:

Beginning at a point where the Diamond Head side of the boundary of Fort DeRussy intersects the mean high water mark; then seaward on a prolongation of that boundary line to a straight line connecting the Ala Wai boat harbor entrance lighted buoy (Red "2") and the Ewa end of the Kapahulu drainage groin; then to the Ewa direction to the makai-Ewa corner of the breakwater makai of the Hawaiian Village rainbow tower; then

Ewa along the breakwater to the mean high water mark; then along the mean high water mark; in a mauka-Diamond Head direction to, and ending at, the point of beginning.
  - (B) Restrictions:

No person shall navigate, moor, or anchor a vessel in or on the waters, except a manually propelled outrigger canoe or a catamaran propelled by sail only may be operated in these waters if the vessel has been

244-16

§13-244-28

- registered pursuant to this subchapter. Notwithstanding the provisions of this subsection, vessels operating from the Hilton Hawaiian Village pier are exempt from the above instructions.
- (4) Zone C, Waikiki ocean waters.
  - (A) Zone C, Waikiki ocean waters means the area

described as follows:

Beginning at the makai-Ewa corner of the concrete drainage groin located seaward of the junction of Kapahulu and Kalakaua Avenue; then to a point 160 yards in the Diamond Head direction on a straight line at right angles to the long axis of the groin; then to a point 100 yards seaward on a straight line parallel to the long axis of the groin; then to a point 310 yards in the Ewa direction on a straight line at right angles to the long axis of the groin; then to the shoreward direction on a straight line parallel to the long axis of the groin to the point where this line meets the concrete seawall; then in the Diamond Head direction to, and ending at, the point of beginning.

(B) Restrictions:

No person shall navigate or moor a vessel or navigate or otherwise use a surfboard in or on the waters, except paipo boards not in excess of four feet in length and without skegs or any other fin-like projections protruding from the bottom of the boards are permitted to be used on the waters.

(5) Zone D, Waikiki ocean waters.

(A) Zone D, Waikiki ocean waters means the area described as follows:

Beginning at a point where the Diamond Head wall of the natatorium intersects the mean high water mark; then along the wall in a seaward direction to the makai-Diamond Head corner; then in a Diamond Head direction on a straight line to the seaward end of the first groin Diamond Head of the Sans Souci

244-17

§13-244-28

pier; then in a mauka direction along the groin to the mean high water mark; then in an Ewa direction along the mean high water mark to, and ending at, the point of beginning.

(B) Restrictions:

No person shall navigate or moor a vessel in or on the waters, except a manually propelled outrigger canoe operated by a duly organized

canoe club, or a commercially operated, manually propelled outrigger canoe may be navigated in these waters if the vessel has been registered pursuant to this chapter and is under immediate control of an operator who has a valid permit issued by the department in accordance with these rules.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-29 Makapuu ocean waters. (a) Makapuu ocean waters means the area described as follows:

- (1) Beginning at a point being the mean high water mark which is directly opposite from the northeast corner of the Makapuu Beach Park building;
- (2) In the Makapuu Point direction along the mean high water mark to the tip of Makapuu Point; and
- (3) Along a straight line connecting such point described in paragraph (2) above to, and ending at, the point of beginning.

(b) Restrictions. No person shall operate a vessel in the Makapuu ocean waters as the same are defined in this section. This subsection shall not apply in the case of emergency or to patrol or rescue craft. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-30 Kealakekua Bay ocean waters.

(a) Definition. "Kealakekua Bay ocean waters" means the subzones A and B as shown on State of Hawaii map C.S.F. No. 15832 on file with the office of the state surveyor, department of accounting and general services, State of Hawaii. A copy of which is designated Exhibit "A" attached hereto and made a part hereof.

(b) Restrictions. No person shall operate, anchor or moor any vessel in such manner as will injure or damage any marine life or geological features and specimens within the Kealakekua Bay ocean waters. Without limiting the generality of the foregoing, no person shall anchor or moor any vessel within subzone A, except at locations or mooring buoys designated by the department; provided, that this paragraph shall not apply to persons engaged in rescue operations or in case of emergency requiring such action as may be necessary to

prevent loss of life or destruction of property. [Eff 2/24/94  
] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-31 Kailua Beach Park ocean waters.

(a) Definition. "Kailua Beach Park ocean waters" means the area confined by boundaries as shown on Exhibit "B" dated June 7, 1989, attached hereto and made a part hereof and also described as follows:

Beginning at the low water mark two hundred and seventy-five feet from the Kailua Beach Park boat ramp, then by azimuths measured from True South; 180 degrees for a distance of one hundred fifty feet; 129 degrees for a distance of one thousand twenty feet; 115 degrees for a distance of six hundred thirty feet; 075 degrees to the low water mark on the shoreline; then in a direction following the low water mark to the point of beginning.

(b) Restrictions. No person shall operate or moor a vessel or sailboard in the Kailua Beach Park ocean waters, the area of which is defined in section 13-244-31(a). This subsection shall not apply in the case of emergency or to patrol or rescue craft.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-32 Ahihi-Kinau ocean waters.

(a) Definition. "Ahihi-Kinau ocean waters" means the waters of the State located within Part 2 of the Ahihi-Kinau Natural Area Reserve as shown on State of Hawaii map C.S.F. No. 16807 on file with the office of the state surveyor, department of accounting and general services, State of Hawaii, a copy of which map is designated Exhibit "C", attached hereto and made a part hereof.

244-19

§13-244-32

(b) Restrictions. The Ahihi-Kinau ocean waters, located within the Ahihi-Kinau Natural Area Reserve possess unique natural resources that should be protected and preserved. No person shall operate, anchor or moor any vessel equipped with mechanical means of propulsion on or in the Ahihi-Kinau ocean waters unless (1) the person is engaged in rescue or law enforcement operations; (2) an emergency arises which requires that such action be taken to prevent loss of life, injury to persons or damage to property; or (3) the person is operating, anchoring or mooring a vessel equipped with mechanical means of propulsion in or on the waters in accordance with the provisions of a permit issued by the chairperson of the board

of land and natural resources, pursuant to the department of land and natural resources, Natural Area Reserve System Rule No. 209. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-33 Pokai Bay ocean waters.

(a) Definition. "Pokai Bay ocean waters" consists of Zone A and Zone B shown on Exhibit "D", attached hereto and made a part hereof. Zone A and Zone B are more particularly described as follows:

(1) Zone A.

- (A) Beginning at a point sixty feet in a northerly direction measured along the mean high water mark from the northern edge of the launching ramp;
- (B) Along the mean high water mark in a northerly direction to a point where the groin intersects the shore;
- (C) In a seaward direction along a straight line connecting such point described in paragraph (2) to Pile "A";
- (D) Along a straight line connecting Pile "A" to Pile "D"; and
- (E) Along a straight line to, and ending at, the point of beginning.

(2) Zone B.

- (A) Beginning at the northern tip of the breakwater;
- (B) Along a straight line connecting to Pile "B";

244-20

§13-244-34

- (C) Along the seaward Boundary of Zone A to a point where this line intersects the mean high water mark at the beginning point of Zone A;
- (D) In a southerly direction along the mean high water mark to the breakwater; and
- (E) Along the breakwater to and ending at the point of beginning.

(b) Restrictions.

- (1) Zone A of the Pokai Bay ocean waters is reserved for bathing and swimming. No person shall operate, anchor or moor any vessel within the boundaries of Zone A, described in this section. This subsection shall not apply in the case of an emergency or to patrol or rescue craft.

- (2) Zone B is reserved primarily for outrigger canoe activity. No person shall operate, anchor or moor any other vessel within the boundaries of Zone B, described in this section provided that a vessel may temporarily anchor within Zone B for a period not to exceed seventy-two hours on a not to interfere basis with scheduled outrigger canoe activities. No person shall swim within the boundaries of Zone B when outrigger canoes are operating within Zone B. This subsection shall not apply in the case of an emergency or to patrol or rescue craft. [Eff 2/24/94]  
] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-34 Ala Moana Beach Park ocean waters.

(a) Definition. "Ala Moana Beach Park ocean waters" means the area confined by boundaries as shown on Exhibit "E", attached hereto and made a part hereof and also described as follows:

- (1) Beginning at a point on the Ewa side of Magic Island Park where the rock revetment joins the beach;
- (2) Along the mean high water mark of Ala Moana Beach to the Diamond Head boundary of Kewalo Basin;
- (3) Along the edge of the reef line shown to a point opposite the point of beginning; and

244-21

§13-244-34

- (4) In a Diamond Head direction to and ending at the point of beginning.

(b) Restrictions. No person shall operate or moor a vessel in the Ala Moana Beach Park ocean waters, the area of which is defined in this section except manually-propelled outrigger canoes may be operated in the canoe practice area which is confined by boundaries as shown on Exhibit E attached hereto and made a part hereof and also described as follows:

- (1) Beginning at a point where a line drawn in a true south direction from the Ewa end of the concrete wall that runs along Ala Moana Beach, intersects the mean high water mark;
- (2) Along the mean high water mark in a westerly direction to the Diamond Head boundary of Kewalo Basin;
- (3) Along the reef line shown in a Diamond Head direction to a point where a prolongation of the Ewa boundary

fence of the Ala Moana tennis courts intersects the reef line;

- (4) In a shoreward direction for a distance of one hundred feet;
- (5) In an Ewa direction on a line parallel to the reef line shown to a point where a prolongation of the line described in paragraph (1) intersects said line; and
- (6) In a shoreward direction to and ending at the point of beginning.

This subsection shall not apply in the case of emergency or to patrol or rescue craft. For the purpose of this section a surfboard is not to be considered a vessel.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-35 Manele-Hulopoe marine life conservation district. (a) Definition. "Manele-Hulopoe marine life conservation district" means the waters of the State located within Subzone A and Subzone B of the Manele-Hulopoe marine life conservation district as shown on State of Hawaii map C.S.F. No. 17565 (Revised April 1976) on file with the office of the state surveyor, department of accounting and general services, State of Hawaii. A copy of which is designated Exhibit "F", attached hereto and made a part hereof.

244-22

§13-244-36

(b) Prohibited activities. It shall be unlawful for any person to operate, anchor or moor a vessel in such manner as will injure, damage or destroy any marine life or geological feature or specimen within the Manele-Hulopoe marine life conservation district. Without limiting the generality of the foregoing, no person shall operate, anchor or moor any vessel within the boundaries of Subzone A of the Manele-Hulopoe marine life conservation district except a person (1) engaged in law enforcement, rescue or other operations essential to preserve life or property; (2) a person engaged in research or other activities pursuant to a permit issued by the department of land and natural resources. Notwithstanding the foregoing restrictions on the operation of a vessel within Subzone A, a manually-propelled Hawaiian outrigger canoe may be operated (but not anchored or moored) within the subzone. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-244-36 Kaanapali ocean waters, general restrictions.

(a) The Kaanapali ocean waters are subject to the following restrictions:

- (1) No person shall navigate any vessel at a speed in excess of five miles per hour within five hundred feet of the shoreline;
- (2) No person shall navigate a motorboat in or on Kaanapali ocean waters within two hundred feet of the shoreline, diver's flag, or designated swimming area nor shall any person navigate a commercial motorboat within five hundred feet of the shoreline except within a designated ingress/egress corridor. Notwithstanding this paragraph, vessels engaged in fishing outside the designated ingress/egress corridors are exempt from the two hundred foot shoreline restriction, provided that designated swimming areas are approached with caution and due care;
- (3) No person shall navigate a motorboat within three hundred feet of a vessel engaged in fishing;
- (4) A vessel engaged in fishing shall not impede the passage of any vessel passing through a designated ingress/egress corridor;

244-23

§13-244-36

- (5) Valid permits for persons offering commercial motorboats for use in Kaanapali ocean waters shall not exceed three in number. Any company in business and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit as long as the company remains properly registered with that department and complies with its rules. The rental of not more than six commercial motorboats per each rental concession is permitted at any one time;
- (6) No person shall embark or disembark passengers on the beach to or from a catamaran registered to carry passengers for hire when the vessel exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons unless prior permission to navigate the Kaanapali ocean waters is obtained from the department for each trip through these waters. Notwithstanding this paragraph, any company currently operating a

catamaran which exceeds sixty-five feet in length or a passenger carrying capacity of forty-nine persons, which is in business and properly registered with the department of commerce and consumer affairs as of the effective date of these rules may apply for and renew its permit as long as the company remains in business, remains properly registered with the department of commerce and consumer affairs, and complies with the rules of the that department;

- (7) No person shall anchor or moor a vessel, barge, platform, or raft within two hundred feet of the shoreline or a designated ingress/egress corridor; and
- (8) No person shall navigate or moor a vessel engaged in commercial use in or on Kaanapali ocean waters unless the vessel has been registered and the owner has a valid permit issued by the department in accordance with this chapter.

244-24

§13-244-37

This subsection shall not apply to Hawaiian design canoes engaged in crew training.

(b) This section shall not apply in the event of an emergency, to law enforcement or rescue craft, or to vessels participating under a valid ocean waters permit issued by the department. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-37 Zone A, Zone B, Ingress/Egress Zones, and Ingress/Egress Corridors. The Kaanapali ocean waters shall be divided into the following zones:

- (a) Zone A, Kaanapali ocean waters
- (1) This zone is designated primarily for swimming, bathing, snorkeling, and diving, and means the area confined by the boundaries shown and described in Exhibit G, July 1, 1984, located at the end of this chapter, which boundaries are described as follows:

Beginning at a point on the vegetation line six

hundred fifty feet north along the vegetation line from the intersection of the extended centerline of Kaniau Road and the vegetation line; thence running by azimuths measured clockwise from True South: 080 degrees for a distance of two hundred feet; 146 degrees 30 minutes for a distance of three thousand seven hundred fifty feet; 206 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.

- (2) No person shall navigate or moor a vessel, surfboard, sailboard, or any other water recreational device in or on the waters of Zone A, provided that this restriction shall not apply to:
  - (A) Paipo boards not in excess of four feet in length and without skegs or any other fin-line projections protruding from the bottom of the boards;
  - (B) Hawaiian design club canoes engaged in crew training;
  - (C) Vessels engaged in fishing during periods of low use of the beach.

244-25

§13-244-37

- (b) Zone B, Kaanapali ocean waters
- (1) This zone is an area designed primarily for swimming, bathing, snorkeling, and diving, and means the area confined by the boundaries shown on Exhibit G, July 1, 1984, located at the end of this chapter and defined as:

Beginning at a point on the vegetation line seven hundred fifty feet south along the vegetation line from the southernmost tip of Keka'a Point shoreline, thence running by azimuths measured clockwise from True South: 068 degrees for a distance of two hundred feet; 156 degrees for a distance of two hundred fifty feet; 078 degrees 30 minutes for a distance of three hundred fifty feet; 156 degrees for a distance of six hundred feet; 221 degrees for a distance of five hundred feet; 287 degrees to a point on the vegetation line; thence southward along the vegetation line to the point of beginning.
- (2) Restrictions: The same restrictions and exceptions thereto applicable to Zone A are applicable to Zone B.

- (c) Ingress/Egress zones.
- (1) These zones shall be established at intervals along the shoreline to provide beach access, through corridors, for all vessels governed by this chapter. Each zone shall be five hundred feet wide at the shoreline and shall extend seaward for a distance of five hundred feet.

Zone number one begins at the point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

Zone number two begins at a point on the vegetation line which is two thousand three hundred feet north along the vegetation line from a point where the north bank of Wahikuli Stream intersects the vegetation line; then northward along the vegetation line for a distance of five hundred feet.

244-26

§13-244-37

Zone number three begins at a point on the vegetation line which is two thousand four hundred feet south along the vegetation line from the mean high water mark of the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number four begins at a point on the vegetation line which is seven hundred fifty feet south along the vegetation line from the mean high water mark from the southernmost tip of Keka'a Point shoreline; then southward along the vegetation line for a distance of five hundred feet.

Zone number five begins at a point on the vegetation line which is eight hundred twenty-five feet north along the vegetation line from the vegetation line from the southernmost tip of Keka'a Point shoreline, then northward along the vegetation line for a distance of five hundred feet.

- (2) No person shall navigate a vessel within an ingress/egress zone unless operating within an ingress/egress corridor, provided that this restriction shall not apply to Hawaiian design club canoes engaged in crew training.
- (d) Ingress/Egress corridors.
- (1) These corridors shall be contained within each

ingress/egress zone. Each corridor shall be one hundred feet wide and shall be established daily by markers placed by the users of the corridor to determine the best direction for approach to or departure from the shoreline under existing wind and sea conditions.

(2) No person shall:

- (A) Navigate a commercial vessel or non-commercial motor powered vessel to or from the beach area unless using a designated ingress/egress corridor;
- (B) Navigate a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor, or approach the shoreline within a

244-27

§13-244-37

distance of five hundred feet, if another catamaran is beached within the boundaries of the intended corridor of use;

- (C) Beach a catamaran, registered for carrying passengers for hire, in an ingress/egress corridor in excess of thirty minutes; and
- (D) Navigate a vessel within an ingress/egress corridor at a speed exceeding slow-no-wake.

(3) Exceptions to the restrictions for Ingress/Egress Zones are applicable to Ingress/Egress Corridors.

(e) This section shall not apply in the event of an emergency, to law enforcement or rescue craft, or to vessels operating under a valid ocean waters permit issued by the department. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-38 Pipelines in Keehi Lagoon. (a) The pipeline area in Keehi Lagoon consists of an area shown on Exhibit "H", attached hereto and made a part hereof. The pipeline area is more particularly described as follows:

An area twenty yards southwest and eighty-five yards northeast of 21E 19' 49.876N, 157E 54' 07.759W to 21E 19' 28.610N, 157E 53' 46.024W.

(b) No person shall anchor or moor a vessel within the pipeline area described in this section. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

§13-244-39 Maunalua Bay ocean waters. (a) As used in this section, "Maunalua Bay ocean waters" means the area confined by the boundaries as shown on Exhibit "I", dated March 1, 1986, which is made a part of this section and also described as follows:

- (1) Beginning at a point on the vegetation line of the beach located on the eastern side of the channel entering Koko Marina, south of the Kalanianaʻole Highway bridge;
- (2) Along the vegetation line of the beach fronting Portlock to a point on the vegetation line which is two hundred feet south of the pier located at Koke'e Beach Park, thence running by azimuths measured clockwise from true south;

244-28

§13-244-40

- (3) 117 degrees 54 minutes for a distance of six hundred feet;
- (4) 184 degrees 21 minutes for a distance of two thousand one hundred fifty feet;
- (5) 173 degrees 47 minutes for a distance of one thousand nine hundred feet;
- (6) 207 degrees 23 minutes for a distance of four hundred sixty feet;
- (7) Then along a straight line to the point of beginning.

(b) Maunalua Bay ocean waters shall be used primarily for bathing and swimming. Commercial motorboat operations are prohibited. Non-commercial vessels may be operated in the Maunalua Bay ocean waters only when in transit to and from the beach or a mooring area, and while in transit, shall not exceed a speed of "slow-no-wake." This subsection shall not apply in the case of emergency or to patrol or rescue craft. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: §§200-2, 200-3, 200-4)

§13-244-40 Vessel operation in proximity of humpback whales. (a) No person shall approach by any means, or operate a vessel or other type of watercraft, or cause a vessel or other type of watercraft to approach within one hundred yards of any humpback whale within the waters of the State.

(b) No person shall approach by any means, or operate a vessel or other type of watercraft, or cause a vessel or other type of watercraft to approach within three hundred yards of

any humpback whale within designated cow/calf areas.

(c) Federal regulations governing the approach of humpback whales in Hawaiian waters as contained in 50 CFR, PART 222, Subpart D, Section 222.31 "Special Provisions" are incorporated herein by reference. [Eff 2/24/94 ] (Auth: HRS §§200-2, 200-3, 200-4) (Imp: HRS §§200-2, 200-3, 200-4)

## HAWAII ADMINISTRATIVE RULES

### CHAPTER 245

### WATERWAY MARKING SYSTEM

	Historical note
§13-245-1	Scope
§13-245-2	Definitions
§13-245-3	Waterway markers
§13-245-4	Authority to place markers
§13-245-5	Maintenance of waterway markers
§13-245-6	Display of waterway markers
§13-245-7	Specifications for waterway markers
§13-245-8	Other waterway marking devices
§13-245-9	Divers flag
§13-245-10	Mooring vessels to buoys or beacons prohibited
§13-245-11	Destruction or defacing of markers prohibited

Historical note. This chapter is based on waterway marking system of the state boating rules effective November 5, 1981, and as amended thereafter, under the jurisdiction of the Department of Transportation. The administrative jurisdiction for recreational boating and related vessel activity was transferred from the Department of Transportation, Harbors Division, to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, effective July 1, 1992, in accordance with Act 272, SLH 1991. [Eff 2/24/94 ]

§13-245-1 Scope. The purpose of this chapter is to adopt a uniform system for marking the waters of the State; such rules to establish, (1) a system of regulatory markers for use on all waters of the State to meet needs not provided for by the United States Coast Guard System of navigational aids, and (2) a system of navigational aids for use on the waters of the State not marked by the United States Coast Guard; provided that rules shall not be in conflict with the markings prescribed by the United States Coast Guard. [Eff 2/24/94 ]  
(Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-2 Definitions.

"Buoy" means any device designed to float which is anchored in the water and which is used to convey a message.

"Display area" means the area on a sign or buoy needed for display of a waterway marker symbol.

"Regulatory marker" means a waterway marker which indicates the existence of regulatory areas, speed zones or restricted areas and which has no equivalent in the United States Coast Guard system of navigational aids.

"Sign" means any device for carrying a message which is attached to another object such as a piling, buoy, structure or land itself.

"State aid to navigation" means a waterway marker which is the equivalent of a United States Coast Guard aid to navigation.

"Symbols" means geometric figures such as a diamond, circle, rectangle, used to convey a basic message.

"Waterway marker" means any device designed to be placed in, or near, the water to convey an official message to a boat operator on matters which may affect health, safety, or well-being, except that such devices of the United States or an agency of the United States are excluded from the meaning of the definition.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-3 Waterway markers. (a) Waterway markers used on the waters of the State shall be as provided in subsections (b) and (c).

(b) State aids to navigation.

(1) A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream.

(2) A green buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

(3) Buoys or signs as described in paragraphs (1) and (2) shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

- (4) A red and white vertically striped buoy or sign shall indicate the center of a navigable waterway.
- (5) State aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or as the buoys and signs proceed upstream. Buoys and signs indicating the center of a waterway will be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "HA".
- (6) Letters and numerals used with state aids to navigation shall be red or green, compatible with the color of the aid but of a deeper hue, block characters of good proportion, and spaced in a manner which will provide maximum legibility.
- (7) The shapes of state aids to navigation shall be compatible with the shapes established by Coast Guard regulations for the equivalent Coast Guard aids to navigation.
- (8) Where reflectorized materials are used, a red reflector shall be used on a red buoy, and a green reflector on a green buoy. On red and white vertically striped buoys, reflectors, if used, shall be red and white.
- (c) Regulatory markers.
- (1) A diamond shape of international orange with a white center shall indicate danger. The nature of the danger may be indicated by words or a well-known abbreviation in black letters inside the diamond shape, or above or below it on the white background.
- (2) A diamond shape of international orange with a cross of the same color within it against a white center shall indicate a zone from which all vessels are excluded.
- (3) A circle of international orange with a white center shall indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circle. Any additional explanation may be given above or below, or both, it in black letters on a white background.

§13-245-3

(d) Guide markers. A rectangular shape of international orange with a white center shall indicate information, other than that concerning danger, a control, or restriction, which may contribute to health, safety or well-being of persons using state waterways. The message shall be presented within the rectangle in black letters.

(e) Colors and composition. Letters or numerals used with regulatory or guide markers shall be black, in block characters of good proportion, spaced in a manner which shall provide maximum legibility, and of a size which shall provide the necessary degree of visibility. Where reflectorized materials are used on regulatory or guide markers, international orange reflectors only may be used to show the geometric shapes described above; any other reflectors used shall be white. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-4 Authority to place markers. No waterway markers shall be placed in, or near, the waters of the State unless the placement is authorized by the chairperson, board of land and natural resources, except that this section shall not apply to private aids to navigation under the jurisdiction of the United States Coast Guard. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-5 Maintenance on waterway markers. Waterway markers shall be maintained in proper condition, or be replaced or removed. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-6 Display of waterway markers. (a) A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white with a band of international orange at the top and a band of international orange above the waterline at the bottom as prescribed by the chairperson.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with an international orange horizontal band at the top and a white horizontal band just above the waterline as prescribed by the chairperson. If the height of the buoy permits, additional white and international orange horizontal bands, not less than six inches wide, shall be placed between the two bands required above. No buoy except a buoy placed for that sole purpose shall carry a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol. [Eff 2/24/94 ]  
(Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-7 Specifications for waterway markers.

(a) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The size shall increase in increments of six inches; provided, that the specification for increase in increments shall not apply to markers in existence prior to the adoption of these rules.

(b) The thickness of a symbol outline shall be one-tenth of the height of the display area.

(c) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

(d) The sides of the diamond shall slope at a 35 degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

(e) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

245-5

§13-245-8

§13-245-8 Other waterway marking devices.

(a) Mooring buoys. In order that mooring buoys shall not be mistaken for aids to navigation or regulatory markers, they shall be white with a blue band clearly visible above the waterline placed at least one-half the distance between the normal waterline and the top of the buoy; provided, that this subsection shall not apply to mooring buoys located within an officially established mooring area prior to June 1, 1966.

(b) Special purpose buoys. Buoys for special purposes which have no lateral significance shall be colored as follows: White buoys shall mark anchorage areas. White buoys with green tops shall be used in connection with dredging and survey operation. White and black alternate horizontally banded buoys shall mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically shall be used for special purposes to which neither the lateral system colors nor the other special purpose colors apply. The shape of special purpose buoys has no significance. They shall not be numbered, but may be lettered.

(c) Placement of special purpose buoys. Placement of markers such as mooring buoys and permanent race course markers shall be as authorized by the chairperson and such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion, or constitute a hazard.

[Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-9 Divers flag. (a) A red flag with a white diagonal running from the upper left hand corner to the lower right hand corner (from masthead to lower outside corner) and known as the "Divers flag" shall, when displayed on the water, indicate the presence of a person engaged in underwater swimming or diving in the immediate area.

(b) No person shall engage in underwater swimming or diving using self-contained underwater breathing apparatus or other artificial breathing device in navigable waters of the State without marking his position with the divers flag. No person when so engaged shall knowingly surface

245-6

§13-245-11

more than fifty feet from such marker, except in cases of emergency.

(c) No person shall engage in underwater swimming or

diving in a manner which shall unreasonably or unnecessarily interfere with vessels or with free and proper navigation of the waterways of the State. Such diving or swimming in narrow or otherwise restricted channels shall constitute such interference, if unreasonable under the circumstances.

(d) Recognition of the divers flag by regulation shall not be construed as conferring any rights or privileges on its users, and its presence in a given water area shall not be construed in itself as restricting the use of the water area so marked. Operators of vessels shall, however, exercise precaution commensurate with conditions indicated.

(e) The divers flag shall be displayed only when diving or underwater swimming is in progress, and its display in a water area when no diving is in progress in that area shall constitute a violation of these regulations. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-10 Mooring vessels to buoys or beacons prohibited. No person shall moor a vessel or raft to any waterway marker or aid to navigation placed by the United States or the State in any of the navigable waters of the State, or in any manner make the same fast thereto. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

§13-245-11 Destruction or defacing of markers prohibited. No person shall deface, obliterate, tear down, or destroy, in whole or in part, or attempt to deface, obliterate, tear down or destroy any buoy, sign, beacon or other markers posted pursuant to these rules. [Eff 2/24/94 ] (Auth: HRS §200-24) (Imp: HRS §§200-22, 200-24)

Title 13, Subtitle 11, Part 2, Boating, Hawaii Administrative Rules, containing Chapters 240 through 245, was adopted on August 13, 1993, by the Board of Land and Natural Resources, following a public hearing held on June 30, 1993, at Farrington High School Cafeteria, after public notice was published in the Honolulu Advertiser and Honolulu Star Bulletin on May 31 1993, the Garden Island News on June 1,

1993; Hawaii Tribune Herald, on June 1, 1993; Lahaina News on June 17, 1993; Maui News, on May 23, 1993; Molokai Advertiser News on May 26, 1993; and West Hawaii Today on June 1, 1993.

Additionally, Title 13, Subtitle 11, Part 2, Boating, Hawaii Administrative Rules, Chapters 13-243, 13-244, were revised and adopted on January 28, 1994, by the Board of Land and Natural Resources, after public hearings were held at the Lihue Video Conference Center and Hilo Video Conference Center on December 20, 1993; Lanai Community Public Library Conference Room and Kihei School on December 21, 1993; Mitchell Pauole Center Conference Room and Farrington High School Cafetorium on December 22, 1993, after notice was published in the Honolulu Advertiser and Honolulu Star Bulletin on November 19, 1993; The Hawaii Tribune Herald on November 19, 1993; The Maui News on November 17, 1993; The Molokai Advertiser-News on November 17, 1993; and West Hawaii Today on November 19, 1993.

Title 13, Subtitle 11, Part 2, Boating, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

---

Keith W. Ahue, Chairperson,  
Board of Land and Natural Resources

APPROVED AS TO FORM:

---

Deputy Attorney General

APPROVED:

---

John D. Waihee, Governor  
State of Hawaii

Dated:

---

Filed